

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

MAY - 8 2025

In re: : Chapter 7
Melvin Roach Jr., :
Debtor : Bankruptcy No. 25-11047-amc

**MOTION FOR SANCTIONS PURSUANT TO 11 U.S.C. § 362(k)(1) FOR
WILLFUL VIOLATION OF THE AUTOMATIC STAY**

NOW COMES Debtor, Melvin Andrew Roach Jr., appearing pro se, and respectfully moves this Honorable Court for the imposition of sanctions against **Comcast Business and/or Comcast Business Mobile (hereafter collectively referred to as "Respondent")** for willful violation of the automatic stay, and in support thereof states as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and 11 U.S.C. § 362(k)(1).
2. This is a core proceeding under 28 U.S.C. § 157(b)(2)(G).
3. Venue is proper in this District pursuant to 28 U.S.C. § 1409(a).

II. FACTUAL BACKGROUND

4. On **March 18, 2025**, Debtor filed a Voluntary Petition for relief under Chapter 7 of the Bankruptcy Code in this Court, commencing Case No. **25-11047-amc**.
5. Upon filing, the automatic stay immediately became effective pursuant to **11 U.S.C. § 362(a)**, prohibiting all creditors from attempting to collect, assess, or recover any prepetition debt.
6. Despite repeated notice and actual knowledge of the pending bankruptcy case, Respondent willfully violated the stay by engaging in prohibited collection activities.
7. On **May 6, 2025**, Respondent directly telephoned Debtor to demand payment of an alleged outstanding balance of **\$562.49**.
8. During this communication, Debtor specifically informed Respondent that this debt was subject to the automatic stay and that their actions constituted a violation of federal law.
9. Despite being informed live during the call, Respondent continued to assert its intent to suspend Debtor's services unless immediate payment was made.

10. This threat was made despite Respondent's full knowledge of Debtor's bankruptcy filing and the ongoing automatic stay.

11. The call transcript and Debtor's recordings confirm that Respondent understood the bankruptcy status yet persisted in threatening service termination and demanding payment.

III. ARGUMENT

A. Respondent Willfully Violated the Automatic Stay

12. Pursuant to **11 U.S.C. § 362(k)(1)**, a debtor injured by a willful violation of the automatic stay shall recover actual damages, including costs and attorneys' fees, and may recover punitive damages in appropriate circumstances.

13. Under Third Circuit law, collecting or threatening to collect without obtaining stay relief constitutes a *per se* violation of the automatic stay. See *In re Lansdale Family Restaurants, Inc.*, 977 F.2d 826, 829 (3d Cir. 1992).

14. Furthermore, there is no good faith defense once the creditor has notice of the bankruptcy and intentionally engages in collection actions; the act itself establishes willfulness as a matter of law.

See *In re Atlantic Business & Community Corp.*, 901 F.2d 325, 329 (3d Cir. 1990).

15. Respondent's threats and demands for payment were intentional acts taken with actual knowledge of the bankruptcy and thus constitute willful violations.

B. Debtor Is Entitled to Actual Damages, Punitive Damages, and Maximum Sanctions Permitted by Law

16. Debtor has suffered actual damages, including emotional distress, inconvenience, anxiety, and substantial time expended addressing Respondent's unlawful conduct.

17. Emotional distress damages are recoverable in stay violation cases.

See *In re Wagner*, 74 B.R. 898 (Bankr. E.D. Pa. 1987).

18. Debtor respectfully requests that this Court award the following as actual damages:

- Emotional distress damages in the amount of **\$10,000 to \$15,000**;
- Compensation for Debtor's time and effort expended in prosecuting this Motion pro se, valued at **\$2,000 to \$2,500**;
- Out-of-pocket expenses, estimated at **\$250**.

19. Furthermore, punitive damages are warranted where the creditor's conduct is egregious, willful, and undertaken with reckless disregard for the law.

See *In re Atlantic Business & Community Corp.*, supra.

20. In light of Respondent's repeated and knowing disregard for the automatic stay, Debtor respectfully requests that this Court award punitive damages in the amount of **\$25,000**.

21. Debtor therefore respectfully seeks total compensatory and punitive damages in the aggregate amount of approximately **\$37,250 to \$42,750**, exclusive of further attorneys' fees and costs.

C. Debtor Is Entitled to Recover Fees and Costs

22. As a pro se litigant, Debtor is entitled to recover reasonable fees and costs expended in enforcing his rights under **11 U.S.C. § 362(k)(1)**.
See *In re Johnson*, 601 B.R. 365 (Bankr. E.D. Pa. 2019).

IV. PRAYER FOR RELIEF

WHEREFORE, Debtor respectfully requests this Honorable Court enter an Order:

- A. Finding that Respondent willfully violated the automatic stay imposed by 11 U.S.C. § 362(a);
- B. Awarding Debtor actual damages in the amount of **\$12,250 to \$17,750**, including emotional distress damages, out-of-pocket expenses, and the value of Debtor's time;
- C. Awarding punitive damages in the amount of **\$25,000**;
- D. Awarding Debtor's costs and expenses associated with bringing this Motion;
- E. Ordering that Respondent immediately cease and desist from any further attempts to collect or suspend services related to any prepetition claims, in accordance with the automatic stay;
- F. Granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Melvin Andrew Roach Jr
Melvin Andrew Roach Jr,

Debtor pro se
5612 Hunter Street
Philadelphia, PA 19131
(267) 366-3443
roachm646@gmail.com

DATED: May 7, 2025

DECLARATION

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Executed on May 8, 2025.

By: /s/ Melvin Andrew Roach Jr
Melvin Andrew Roach Jr

CERTIFICATE OF SERVICE

I, Melvin Andrew Roach Jr., certify that on this May 8, 2025, I caused to be served a true and correct copy of the foregoing:

- Motion for Sanctions for Willful Violation of the Automatic Stay
- Declaration of Melvin Andrew Roach Jr.

by depositing same into the United States Mail, postage prepaid, addressed as follows:

- **Comcast Business Legal Department**
One Comcast Center
1701 JFK Boulevard
Philadelphia, PA 19103
- **Comcast Business Mobile Customer Solutions (Northeast Division)**
45 Industrial Way
Wilmington, MA 01887

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this May 8, 2025.

By: /s/ Melvin Andrew Roach Jr
Melvin Andrew Roach Jr